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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,767	06/12/2001	Gidon Wallis	27478-04000	4717

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EXAMINER

PORTER, RACHEL L

ART UNIT PAPER NUMBER

3626

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,767

Applicant(s)

WALLIS ET AL.

Examiner

Rachel L. Porter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. The communication is in response to the application filed 6/12/01. Claims 1-16 are pending. The IDS filed 1/6/03 has been entered and considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sampath et al (USPN 6,892,317).

As per claims 1-8, Sampath et al disclose a process for repairing a product under warranty comprising the steps of compiling information regarding the sale of the product including information on the vendor, purchaser and warranty plan of the product (col. 3, lines 44-col. 4, line 5; col. 8, lines 34-60). The method provides the purchaser with guidance for initiating repair (col. 5, lines 51-col. 6, line 16) and access to the network (col. 4, lines 16-45).

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Sampath further discloses receiving repair requests to be made to product through the host system (col. 8, lines 48-60) and picking up products (i.e. supplies) for the repair of the product. (col. 8, line 61-col. 9, line 3) Sampath also teaches a method in the system tracks repairs made to the monitored products, for use in failure prediction and diagnosis of future problems (col. 2, lines 59- 67)

Sampath further discloses that the method operates over a various types of networks, including the Internet (col. 4, lines 6-10)

Claim 16 is substantially similar to claim 1. As such, the limitations of claim 16 are addressed by the rejection of claim 1, and incorporated herein.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampath et al in view of Herman et al (USPN 6,341,353)

As per claims 9-15, Sampath et al disclose a process for repairing a product under warranty comprising the steps of compiling information regarding the sale of the product including information on the vendor, purchaser and

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warranty plan of the product (col. 3, lines 44-col. 4, line 5; col. 8, lines 34-60).

The method provides the purchaser with guidance for initiating repair (col. 5, lines 51-col. 6, line 16) and access to the network (col. 4, lines 16-45).

Sampath further discloses receiving repair requests to be made to product through the host system (col. 8, lines 48-60) and picking up products (i.e. supplies) for the repair of the product. (col. 8, line 61-col. 9, line 3) Sampath also teaches a method in the system tracks repairs made to the monitored products, for use in failure prediction and diagnosis of future problems (col. 2, lines 59- 67)

Sampath further discloses that the method operates over a various types of networks, including the Internet (col. 4, lines 6-10)

Sampath does not expressly recite generating vendor and purchaser accounts allowing each user to view information regarding products sold and bought by each party respectively. Herman discloses a system and method that generates accounts (online) between buyers and merchants via a trusted third party server. (Figure 20; col. 6, lines 41-col. 7, line 17) At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method Sampath with the teaching of Herman to generate accounts for vendor and purchasers. As suggested by Herman, one would have been motivated to include this feature to allow both parties to keep up to date with current changes and information transactions. (col. 1, lines 39-46)

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER